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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,395	02/15/2002	Naoto Macda	Q68512	7192
23373 7590 08/31/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER BURGESS, BARBARA N	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 08/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/075,395

Applicant(s)

MAEDA ET AL.

Examiner

Barbara N. Burgess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office Action is in response to amendment filed June 5, 2007. Claims 1-11, 14-17 are presented for further examination. Claims 12-13 have been cancelled as requested by Applicant.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14-15 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 14-15 of the claimed invention is directed to non-statutory subject matter.

There is no tangible result which is needed for a claim to be statutory.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 7-9, 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (US Patent 6,233,601 B1) in view of Yokoyama et al. (hereinafter "Yoko", Japanese Publication 2001/282756).

As per claim 1, Walsh discloses a mobile agent transfer system comprising:

- Server;
- Portable device (column 4, lines 5-10);
- Wherein a mobile agent is transferred between said server and said portable device (column 3, lines 20-30);
- Wherein said portable device has a configuration so as to implement, on a side of said portable device and based on said place code transferred from said server, an environment in which said mobile agent able be executed (column 4, lines 47-67).

Walsh does not explicitly disclose:

- Wherein said server has a configuration so as to transfer, to said portable device, a place code used to implement, on a side of said portable device, an environment in which said mobile agent is able to be executed when said mobile agent is transferred from said server to said portable device.

However, in an analogous art, Yoko discloses a server apparatus equipped to distribute mobile agents with an agent program. The agent uses the service program for execution on a home terminal (paragraphs [0016-0017, 0024, 0029]).

Therefore, one of ordinary skill in art at the time the invention was made would have found it obvious to implement or incorporate Yoko's server having a configuration to transfer a place code in Walsh's system in order to execute a service for indicated home terminal.

As per claim 2, Walsh discloses the mobile agent transfer system for portable devices according to Claim 1, wherein said place code is used to implement, on said portable device, an agent unarchiving section used to reconstruct said mobile agent based on information transmitted from said server a portable device side calculation processing section to run mobile agent reconstructed by said agent transmit said mobile agent said portable device calculation processing section said device has a program control section implement, portable device, said agent unarchiving section, said portable device side calculation processing section, said agent transmitting section based on said place code transmitted from said server (column 5, lines 55-67, column 6, lines 10-25).

As per claim 3, Walsh discloses a mobile agent transfer system for mobile communicating devices comprising:

- Server (column 4, lines 25-28, Figure 6);
- Mobile communicating device (column 4, lines 5-10);
- An information transfer device to connect said mobile communicating device to said server (column 3, lines 20-30);

- Wherein a mobile agent is transferred between said server and said mobile communicating device through said information transfer device (column 3, lines 55-62, column 4, lines 50-55, 60-67);
- Wherein said server has server side calculation processing section to run said mobile agent, an agent transferring section used to transfer, to said mobile communicating device, information about an internal state of said mobile agent, program code of said mobile agent, a place code used to implement, on said mobile communicating device, an agent reconstructing section and agent transmitting section, and an agent receiving section used to retrieve said mobile agent transferred from said mobile communicating device and to put said mobile agent into a state where said mobile agent is able to start operations in said server side calculation processing section (column 6, lines 35-56);
- Wherein said mobile communicating device program acquiring section used acquire information about internal state mobile agent, said program code mobile agent, and said place code transmitted from said server and program control section implement, on said mobile communicating device, said agent reconstructing section, said mobile communicating device side calculation processing section and said agent transmitting section, based on said place code acquired by said program acquiring section, wherein said agent reconstructing section has a configuration so as to reconstruct said mobile agent based on said information about internal states of said mobile agent wherein said mobile and said program code of said mobile agent, communicating device side calculation processing section has a configuration

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so as to run said mobile agent reconstructed by said agent reconstructing section and wherein said agent transmitting section has a configuration so as to transmit said mobile agent having completed operations in said portable side calculation processing section to said server (column 5, lines 55-67, column 6, lines 10-25).

As per claim 5, Walsh discloses the mobile agent transfer system for mobile communicating devices according to Claim 3, wherein said server has a movement number managing section used create and manage a movement number required to ignore messages other than a message that has first arrived when plurality of messages each having same contents to transfer mobile agent has reached said agent receiving section from said agent transmitting section in said mobile communicating device due to failure network (column 4, lines 25-46).

As per claim 7, Walsh discloses a method for transferring a mobile agent for portable devices between a portable device and server, said method comprising:

- Step in which said server transfers, to said portable device, a place code used to implement, on side of said portable device, an environment in which said mobile agent is able to be executed when said mobile agent is transferred from said server to said portable device (column 3, lines 45-55);
- Step in which said, portable device implements, on said portable device and based on said place code transferred from said server, an environment in which said mobile agent is executed (column 3, lines 55-67).

As per claim 8, Walsh disclose the method for transferring the mobile agent for portable devices according to Claim 7, wherein said place code is used to implement, on said portable device, an agent reconstructing section used to reconstruct said mobile agent based on information transmitted from said server, processing section to run said mobile agent reconstructed by said agent reconstructing section, and an agent transmitting section used to transfer said mobile agent having completed operations processing section to said server and wherein said portable device has a program control section to implement on place code transmitted from said server, said agent reconstructing section said portable device side calculation processing section and said agent transmitting section (column 5, lines 55-67, column 6, lines 10-25).

As per claim 9, Walsh discloses a method transferring a mobile agent for portable devices for transferring said mobile agent between a portable device and a server, method comprising:

- A step in which said server transfers information about an internal state mobile agent, a program code of said mobile agent, and a place code used to implement, on said portable device an agent reconstructing section, portable device side calculation processing section, agent transmitting section, said portable device (column 4, lines 11-25);
- A step in which said portable device implements based on said place code transmitted from said server, said agent reconstructing section, portable device side



calculation processing section, and said agent transmitting section (column 5, lines 38-50);

- Step which said agent reconstructing section reconstructs said mobile agent, based on said information about said internal states and said program code said mobile agent transmitted from said server (column 6, lines 18-35);
- Step in which said portable device side calculation processing section executes said mobile agent that has been reconstructed by said agent reconstructing section (column 6, lines 31-45);
- Step in which said agent transmitting section transmits said mobile agent having completed operations in said portable device side calculation processing section (column 5, lines 6-15).

As per claim 11, Walsh discloses the method for transferring the mobile agent for portable devices according to claim 9, wherein said server creates and manages a movement number required to ignore messages other than a message that has first arrived when a plurality of messages each having same contents to transfer a mobile agent has reached said agent receiving section from said portable device due to a failure of a network (column 5, lines 49-55).

As per claim 12, Walsh discloses a program for implementing a mobile agent transfer system for portable devices to enable a mobile agent to be transferred between a computer for a portable device and a computer f or a server comprising:

- Processing of having said computer f or said server transfer a place code used to implement, on said computer for said portable device, an environment in which said mobile agent is able to be executed when said mobile agent is transferred to said computer said portable device (column 4, lines 50-67);
- Processing of having said computer for said portable device implement, on said computer for said portable device and based on a place code transferred from said computer for said server, an environment in which said mobile agent is able to be executed (column 3, lines 55-67).

As per claim 13, Walsh discloses a program for implementing a mobile agent transfer system for portable devices to enable a mobile agent to be transferred comprising:

- Processing of having said computer for said server function as a server computer side calculation processing section said mobile agent as an agent transferring section to transfer, said computer for said portable device, information about internal states of said mobile agent and about a program code said mobile agent and a place code used implement, on said computer for said portable device and based on internal states and program code of said mobile agent transmitted from said computer said server, agent unarchiving section reconstruct side calculation processing section to run said mobile agent reconstructed by said agent unarchiving section, and an agent transmitting section transmit said mobile agent having completed operations in said portable device side calculation processing section said computer for said server, and as an agent receiving section said portable

device and to put said mobile agent into a state where said mobile agent is able to start operations on said server computer side calculation processing section (column 5, lines 55-67, column 6, lines 10-25);

- Processing of having said computer for said portable device function as a program acquiring section to acquire information about internal states and program code of said mobile agent transmitted from said computer for said server and a place code, and as a program control section to implement, on said computer for said portable device and based on said place code acquired said agent transmitting section (column 6, lines 35-56).

As per claim 14, Walsh discloses a storage medium storing a program for implementing a mobile agent transfer system portable devices to enable a mobile agent agent to be transferred between a computer for a portable device and a computer for a server comprising:

- Processing of having said computer f or said server transfer a place code used to implement, on said computer for said portable device, an environment in which said mobile agent is able to be executed when said mobile agent for said portable device; and is transferred to said computer (column 4, lines 50-67);
- Processing of having said computer for said portable device implement, on said computer for said portable device and based on a place code transferred from said computer for said server, an environment in which said mobile agent is able to be executed (column 3, lines 55-67).

As per claim 15, Walsh discloses a storage medium storing a program for implementing a mobile agent transfer system for portable devices enable a mobile agent to be transferred between a computer for a portable device and a computer server comprising:

- Processing of having said computer for said server function as a server computer side calculation processing section to run said mobile agent, as an agent transferring section to transfer, said computer for said portable device, information about internal states of said mobile agent and about a program code of said mobile agent and a place code used to implement on said computer for said portable device and based internal states program code mobile agent transmitted from computer said server, agent unarchiving section portable device side calculation agent unarchiving section, transmit said mobile agent having completed operations in said portable device side calculation processing section said computer for said server, and as an agent receiving section to unarchive said mobile agent transferred from said computer for said portable device and to put said mobile agent a state where said mobile agent is able to start operations on said server computer side calculation processing section (column 5, lines 55-67, column 6, lines 10-25);
- Processing of having said computer for said portable device function as a program acquiring section to acquire information about internal states and program code said mobile agent transmitted from said computer and as a program control section to implement, on said computer for said portable device and based on said place code

acquired by said program acquiring section, said agent unarchiving section, said portable device side calculation processing section, and said agent transmitting section (column 6, lines 35-56).

As per claim 16, Walsh discloses a mobile agent transfer system for mobile communicating devices comprising:

- Server (column 4, lines 25-28, Figure 6);
- Mobile communicating device (column 4, lines 5-10);
- Wherein a mobile agent is transferred between said server and said mobile communicating device (column 3, lines 55-62, column 4, lines 50-55, 60-67);
- Wherein said server has a configuration so as to transfer, said mobile communicating device, place implement, side said mobile communicating device, said mobile agent is transferred from said communicating device (column 3, lines 20-30);
- Wherein said mobile communicating device has configuration as implement, on a side of said mobile communicating device and based on said place code transferred from said server, an environment in which said mobile agent is able be executed (column 3, lines 55-67).

As per claim 17, Walsh discloses the mobile agent transfer devices according to Claim 16, implement, on said mobile system for mobile communicating wherein said place code is used communicating device, an agent reconstructing section to reconstruct said

mobile agent based on information transmitted from said server, a mobile communicating device side calculation processing section run said mobile agent reconstructed by said agent reconstructing section, and an agent transmitting section used to transmit said mobile agent having completed operations said portable device side calculation processing section to said server and wherein said mobile communicating device has a program control section implement, on said mobile communicating device, said agent reconstructing section, said mobile communicating device side calculation processing section, said agent transmitting section based on said place code transmitted from said server (paragraphs [0043-0044, 0054-0055]).

7. Claims 4, 6, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (US Patent 6,233,601 B1) in view of Yokoyama et al. (hereinafter "Yoko", Japanese Application 2001-282756) and further view of Smith et al. (hereinafter "Smith", US Patent 6,532,543 B1).

As per claim 4, Walsh, in view of Yoko, discloses the mobile agent transfer system for mobile communicating devices according to Claim 3.

Walsh does not explicitly disclose wherein said server has a standby creating section used transmit, said mobile communicating device, a standby list showing mobile agents being in a standby state to be transferred to said mobile communicating device, wherein said mobile communicating device has a standby displaying section used provide said standby list said program acquiring section of said user or other device out of mobile

agents indicated by said provided standby list, and wherein said program acquiring section configuration so as to make a request for acquiring said server.

However, in an analogous art, Smith discloses an agent module that establishes communication with the server. The agent module is used to download other components that may be needed (column 3, lines 47-58, column 9, lines 35-44).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Smith's standby list in Walsh's method in order to download needed components to the existing file.

As per claim 6, Walsh, in view of Yoko, discloses the mobile agent transfer system for mobile communicating devices according to claim 3.

Walsh does not explicitly disclose wherein said agent transferring section has an agent waiting section used to manage information about an identifier of a mobile agent and location of a program code of said mobile agent being in a standby state to be transferred to said mobile communicating device, a program description creating section used to make request of program archive creating section to create an archive when a request for a program description file a mobile agent is made from said program acquiring section and return said program description file containing a location said archive created by said program archive creating section to said program acquiring section and program archive creating section used to create, response to a request from said program description file creating section, archive containing program code

mobile agent, information about an internal state of said mobile agent, and a place code, and to return, program acquiring section, response a request from said archive. However, in an analogous art, Smith discloses an agent module that establishes communication with the server. The agent module is used to download other components that may be needed (column 3, lines 47-58, column 9, lines 35-44).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Smith's standby list in Walsh's method in order to download needed components to the existing file.

As per claim 10, Walsh, in view of Yoko, disclose the method for transferring devices according said portable device, claim 9.

Walsh does not explicitly discloses wherein said server transmits, a standby list showing mobile agents being standby state to be transferred to said portable device and wherein said portable device provides said standby transmitted a request of said server other device mobile agents indicated provided standby list.

However, in an analogous art, Smith discloses an agent module that establishes communication with the server. The agent module is used to download other components that may be needed (column 3, lines 47-58, column 9, lines 35-44).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Smith's standby list in Walsh's method in order to download needed components to the existing file.



***Response to Arguments***

**The Office notes the following argument(s):**

(a) The priority of the present application (February 20, 2001) is before the filing date of the Yoko reference (February 20, 2001).

**In response to:**

(a) Applicant's argument has been considered but is moot in view of the new ground(s) of rejection.

The filing date of the Japanese Publication is March 31, 2000 which is before the filing date of the present application.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess  
Examiner  
Art Unit 2157

August 19, 2007

A handwritten signature in black ink, appearing to read "Barbara Burgess", with a large, stylized initial "B" that loops around the start of the name.